

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

THU T. MOUA,

Plaintiff,

Case No. 21-cv-1406-pp

v.

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 2)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that he has the ability to pay the filing fee. The plaintiff's affidavit indicates that he is not employed, he is married and his spouse is not employed, and he has no dependents he is responsible for supporting. Dkt. No. 2 at 1. The plaintiff shows no monthly wages or salary and he states that he has received \$51,749 in the last twelve months from P&G stocks. Id. at 2. The plaintiff lists \$1,598 in

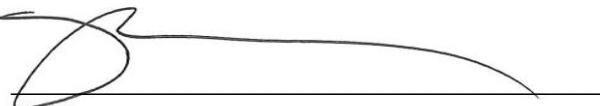
monthly expenses (\$360 credit card payments, \$300 other household expenses, \$938 health insurance). Id. at 2-3. The plaintiff owns his home, worth approximately \$165,000; he owns a 2005 Honda CR-V, worth approximately \$3,000; he has \$30,000 in cash on hand or in a checking or savings account; and he has an annuity of \$410,000. Id. at 3-4. The plaintiff has demonstrated that he has the disposable income to pay the \$402 filing fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES** the plaintiff's motion for leave to proceed without paying the filing fee. Dkt. No. 2. The court **ORDERS** that the plaintiff shall pay the \$402 fee (the total of the \$350 filing fee and \$52 administrative fee) by the end of the day on **January 4, 2022**. If the court does not receive the fee in full by the end of the day on January 4, 2022, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 14th day of December, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge